# IN THE HIGH COURT OF JUDICATURE AT BOMBAY
# CIVIL APPELLATE JURISDICTION

## CIVIL APPLICATION NO.6015 OF 2007
## IN
## FIRST APPEAL NO.108 OF 1994

Ratnibai Shridhar Koli and another .. Applicants
v/s.
Trimbak Sowar Koli and others .. Respondents

Mr. S.B. Mogre for the applicants.
LR of Respondent No.1 present in person.

**CORAM : ABHAY S. OKA, J.**
**DATED : 29TH NOVEMBER, 2007**

**P.C.**

The advocate for the applicants states that notice has been served of this application to the legal representatives of the first respondent. One of the legal representatives appears in person and opposes the application.

2. The first appeal stands dismissed for want of prosecution on account of procedural default in not carrying out the amendment of bringing on record the heirs of original respondent No.1.

3. In view of the reasons recorded in the application, the appeal deserves to be restored. Accordingly, the application is

allowed in terms of prayer clauses (a) and (b) subject to the condition that order dated 29th January, 2007 passed in civil application No.2564 of 1994 will be complied with within a period of four weeks from today. If compliance is not made within the stipulated time, the order of dismissal shall stand as it is. If the compliance is made, office will issue notice of restoration of the appeal to all the concerned respondents.

**ABHAY S. OKA, J.**